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Wiretap Curbs

By the thunderous vote of 95 to 1, the U. S. Senate has sent an important civil-rights message to the White House and to police and spy agencies: There must be no wiretapping, bugging or other electronic surveillance in the United States without a court order.

After 10 years of study and debate, the vote came on a bill that would require agencies like the FBI and CIA to get a warrant from a federal judge before they could wiretap in intelligence cases.

Since 1968 such surveillance without a court order has been banned in domestic cases involving suspected crime. However, in cases involving alleged foreign espionage the White House and certain agencies have been able to order warrantless electronic intrusion.

Recent investigations and scandals have disclosed that in the past the CIA and FBI illegally spied on Americans under the cloak of "national security." And presidents ranging from Franklin Roosevelt to Richard Nixon have permitted the bugging of political foes.

Under the Senate bill, presidents no longer would have the "inherent" right to spy on people merely by intoning the magic words of national security.

Before a federal agency could resort to any electronic snooping, a senior

official, such as the head of the CIA, would have to certify that the purpose is to obtain information on foreign intelligence, and the U. S. attorney general would have to agree that the request is lawful.

Then one of seven federal judges designated by the Chief Justice of the United States would have to give his approval before the tap or bug could be installed.

Some intelligence officials claim that it would endanger security to bring federal judges into foreign-intelligence cases. But if we can't trust our judges to keep secrets, we are indeed in sad shape.

Certainly Chief Justice Warren Burger should have no trouble finding seven judges who are more discreet and law-abiding than some of our own counterspies have been.

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In a police state the authorities can wiretap anyone they want. And they frequently do. In a democracy this should not be permitted.

By limiting the use of electronic snooping in this country to court-approved cases involving spies, terrorists and criminals, we would strengthen democracy and the right to privacy.

The House should complete the Senate's good work promptly.

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